

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

Chambers of  
Richard D. Bennett  
United States District Judge  
Northern Division

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April 11, 2012

TO COUNSEL OF RECORD

Re: *Orrstown Bank v. Ares Investments Group, et al.*  
Civil No. RDB-12-0345

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Dear Counsel:

Many members of our bar have expressed concern about the obstacles to timely, efficient, and inexpensive resolution of discovery disputes. This issue was addressed at the Biennial Bench-Bar Conference of this Court on October 30, 2009. As a result, there are important revisions to the discovery guidelines for this Court effective December 1, 2009. In order to address these concerns, I have adopted a policy with respect to discovery disagreements. This policy shall be followed **before** the filing of any motions relating to discovery disputes.

In the event of a disagreement involving a discovery matter, counsel shall notify opposing counsel of their intent to contact my chambers to request that I make myself available for a telephone conference. Counsel requesting such a conference shall check the availability of all counsel and then contact my chambers with their suggested dates and times. After a date and time have been scheduled with the Court, it shall be the responsibility of counsel requesting the conference to arrange and initiate the conference call at the prescribed time. I would not anticipate that any conference call would take more than 30 minutes.

Counsel involved in any such discovery disputes shall deliver to my chambers short letters (not more than two pages) setting forth their respective positions not later than 5 p.m. on the day prior to the scheduled telephone conference. This long-standing requirement for cases assigned to me is now reflected in revised discovery guideline 1.e.

Unless specifically requested by counsel, there will not be a court reporter present and

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there will not be an official record of the conference.

I will do my best to resolve as many disputes as I can in this informal manner. If, however, I determine that the issues require the formal filing of a motion and briefing, I will so advise counsel. In that event, I may or may not refer the discovery dispute to a Magistrate Judge of this Court.

In order for this informal discovery dispute policy to be successful, it is imperative that counsel exercise restraint. I simply do not have time to resolve each and every dispute that may arise during the course of discovery. However, I recognize the great advantage the court can provide in quickly resolving many discovery issues.

Finally, on December 1, 2006, a series of amendments to the Federal Rules of Civil Procedure became effective, creating new rules governing discovery of electronically stored information ("ESI"). You will note that the Scheduling Order includes a deadline for a conference with respect to discovery of ESI.

Sincerely,

/s/

Richard D. Bennett  
United States District Judge

RDB/brt